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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Notification

CDP/VPT/685/66

In exercise of powers vested in him under clause (r) of sub-section (2) of section 65 of the Goa, Damam and Diu Village Panchayats Regulation, 1962, read with clause (d) of sub-section (2) of section 36 of the said Regulation, the Lieutenant Governor of Goa, Damam and Diu is pleased to make the following rules, namely: —

1. These rules may be called the Goa, Damam and Diu Village Panchayats (Grant of Loans) Rules, 1966.

2. A Village Panchayat may apply to the Government for grant of a loan for starting, in its area, any one or more of such remunerative schemes as may be specified by the Government from time to time, and in particular the following: —

- Coconut and caju nurseries;
- Laying out of orchards;
- Laying out of vegetable farms;
- Reclamation of waste land;
- Installation of pumping sets;
- Purchase of tractors and improved agricultural implements for hire;
- Poultry farms;
- Piggery farms;
- Dairies;
- Construction of guest houses, shops, markets and godowns;
- Working of stone quarries;
- Small and cottage industries;

- Miscellaneous schemes based on the particular potentialities of the area;
- Any other schemes approved by Government.

3.(i) For the purpose of Rule 2, the Village Panchayat shall submit to the Collector or any officer authorised under him for sanction, through the respective Block Development Officer or such other officer as may be authorised by the Collector in this behalf an application specifying therein —

- name of the village panchayat and the taluka;
- title and brief description of the scheme;
- objectives and justification of the scheme indicating the anticipated income;
- total estimated cost;
- amount sought as loan;
- amount of the fund existing in the Bank in the name of the Panchayat on the date of the application;
- annual income derived from the House Tax;
- average annual income derived from other taxes;
- average annual income from other sources, if any;
- average annual expenditure, excluding expenditure on schemes for which grants are given by the Government;
- value of the assets, if any, owned by the Panchayat;
- date of the Panchayat meeting in which the proposed scheme and other data required under (a) to (k) above have been approved.

(ii) the application referred to in sub-rule (i) shall bear the signatures of the Sarpanch and Secretary of the Village Panchayat.

4. On receipt of the application submitted by the Village Panchayat in accordance with Rule 3, the respective Block Development Officer or the officer authorised shall forward the same to the Collector, along with a certificate to the effect that the scheme

for which the loan is sought has been technically approved by the competent authority.

5. (i) Subject to the approval of the Government, the Collector or the officer authorised by him may sanction such amount of loan and for such period as he may deem feasible and proper, on considering the data supplied by the Village Panchayat in its application.

(ii) The sanction of the Collector under sub-rule (i) shall be communicated to the Village Panchayat through the Block Development Officer or such officer as may be authorised under rule 3, who shall then take such steps as may be necessary to effect the payment of loan to the Village Panchayat in the manner prescribed in Rule 6, and subject to the conditions stipulated in Rule 7.

6. (i) The loan sanctioned under sub-rule (i) of Rule 5 shall be paid to the Village Panchayat in the following manner —

- a) the loan shall be paid in two equal instalments;
- b) the first instalment shall be paid immediately the scheme for which the loan is sought, is sanctioned;
- c) the second instalment shall be paid on the first instalment having been utilised.

(ii) In case the second instalment is not drawn for more than a year, the loan amount shall be treated as closed and recovery shall commence after one year from the date of the payment of the first instalment.

7. (i) The loan shall carry interest at the following rates unless they are revised by general or special orders issued in pursuance of the orders prescribing the rates of interest on loans advanced by the Central Government: —

Period of loan	Interest per annum
Upto 1 year	4%
Exceeding 1 year but not exceeding 4 years	4½%
Exceeding 4 years but not exceeding 9 years	5%
10 years	5½%

(ii) The asset of the undertaking in the form of land, building, or machinery as also the Panchayat Fund shall form the security for the loan.

8. (i) The Village Panchayat shall repay the loan in equal annual instalments, and the number of such instalments shall not exceed ten:

Provided that the total amount of interest shall be paid by the Village Panchayat along with the last instalment.

(ii) The first of the instalments referred to in sub-rule (i), shall be due one year after the entire amount of the sanctioned loan is paid to the village panchayat, subject to sub-rule (ii) of Rule 6.

9. In the case of such scheme as may have a direct bearing on the increase of food production, and if

the Government is satisfied that the village Panchayat concerned is implementing the same effectively, it may on the recommendation of the Collector, treat such portion of the loan as it may deem fit as a subsidy to the village panchayat.

10. The Block Development Officer or such officer as may be authorised under Rule (3), shall be responsible for the recovery of the loan in the manner prescribed in Rule (8) and, if required, shall for this purpose, issue such directives to the village panchayat as he may deem necessary with the previous approval of the Government.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. P. Balasubramanian, Development Commissioner.

Panjim, 30th April, 1966.

Notification

CDP/VPT/685/65

In supersession of all the Notifications and orders delegating powers under the Goa, Daman and Diu Village Panchayats Regulation, 1962 to various officers and in exercise of the powers conferred by Section 59 of the said Regulation, the Lieutenant Governor is pleased to delegate the powers vested in him under Sections 3, 7, 8, 9, 12, 15, 19, 21, 22, 23, 25, 27, 33, 37, 41, 48, 49, 50, 51, 53, 54 and 55 to the following officers:

Sr. No.	Sections	Powers delegated to
1	3, 7, 8, 9, 21, 33, 37 and 41	Development Commissioner.
2	12, 15, 19, 23, 25, 27, 49, 50, 51, 53, 54 and 55	Collectors, Goa and Daman and Civil Administrator, Diu.
3	22 and 48	Block Development Officer.

The Lieutenant Governor is also pleased to delegate the powers of the Administrator, the Chief Secretary and the Civil Administrator District, under the rules framed under Section 65 of the Regulation to the Collectors of Goa and Daman and Civil Administrator, Diu within their respective jurisdiction.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. P. Balasubramanian, Development Commissioner.

Panjim, 16th May, 1966.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/1066/1966

The following act passed by the Legislative Assembly of Goa, Daman and Diu received the Assent of the President of India on the 18th May

1966, and is hereby published for general information.

The Court Fees (Goa, Daman and Diu Amendment) Act, 1966

(No. 5 of 1966) [18th May, 1966]

An Act to amend the Court Fees Act, 1870 in its application to the Union Territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Seventeenth year of the Republic of India as follows:—

1. Short title, extent and commencement:

(1) This Act may be called the Court Fees (Goa, Daman and Diu Amendment) Act, 1966.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government of Goa, Daman and Diu may, by notification in the Official Gazette, appoint.

2. For section 13 of the Court Fees Act, 1870 (hereinafter referred to as the principal Act), the following shall be substituted, namely:—

«13. Refund in cases of remand: (1) Where a plaint or memorandum of appeal which has been rejected by the lower Court is ordered to be received, or where a suit is remanded in appeal for a fresh decision by the lower Court, the Court making the order or remanding the appeal shall, where the whole decree is reversed and the suit is remanded, and may in other cases direct the refund to the appellant of the full amount of fee paid on the memorandum of appeal, and, if on second appeal the case is remanded to the trial Court, also on the memorandum of appeal in the first appellate Court.

(2) Where an appeal is remanded in second appeal for a fresh decision by the lower appellate Court the Judicial Commissioner's Court constituted under the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation 1963 when remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of second appeal.

(3) Notwithstanding anything contained in sub-sections (1) and (2) if the order of remand does not cover the whole of the subject matter of the suit the refund shall not extend to more than so much of the fee as would have been originally payable on that part of the subject matter in respect of which the suit has been remanded:

Provided that no refund shall be ordered if the remand was occasioned by the fault of the person who would otherwise be entitled to a refund».

3. After section 15 of the principal Act the following sections shall be inserted namely:—

«16. Refund in cases of delay in presentation of plaint, etc.:

(1) Where a plaint or memorandum of appeal is rejected on the ground of delay in its presentation, or where the fee paid on a plaint or memorandum of appeal is deficient and the deficiency is not made good within the time allowed by law or granted by

the Court, or the delay in payment of the deficit fee is not condoned and the plaint or memorandum of appeal is consequently rejected, the Court shall direct the refund to the plaintiff or the appellant, of the fee paid on the plaint or memorandum of appeal which has been rejected.

(2) Where a memorandum of appeal is rejected on the ground that it was not presented within the time allowed by the law of limitation, one-half of the fee shall be refunded.

16.A. Refund on settlement before hearing:

Wherever by agreement of parties:—

- (i) any suit is dismissed as settled out of Court before any evidence has been recorded on the merits of the claim; or
- (ii) any suit is compromised ending in a compromise decree before any evidence has been recorded on the merits of the claim; or
- (iii) any appeal is disposed of before the commencement of hearing of such appeal:

half the amount of all fees paid in respect of the claim or claims in the suit or appeal shall be ordered by the Court to be refunded to the parties by whom the same have been respectively paid.

Explanation (1): The expression "merits of the claim" refers to all matters which arise for determination in the suit not being matters relating to the frame of the suit, misjoinder of parties and cause of action, the jurisdiction of the court to entertain or try the suit or the fee payable, but includes matters arising on pleas of res-judicata, limitation and the like.

Explanation (2): The expression "hearing of the appeal" includes the "vista" of a case filed in the appellate court.

16.B. Refund of fee paid by mistake or inadvertence:— Any fee paid by mistake or inadvertence shall be ordered to be refunded.

16.C. Procedure for obtaining refund when a person becomes entitled to a refund of court fees, the court shall grant a certificate authorising him to receive back from the Collector the amount specified therein, calculated according to the provisions of this Act».

Secretariat

Panjim,

May 24, 1966.

P. B. VENKATASUBRAMANIAN

Secretary to the Government of Goa,

Daman and Diu.

Mormugao Port Trust

Notification

IGA(E.806)/66

As required under Section 124(2) of the Major Port Trusts Act, 1963, the following amendments to the Mormugao Port Employees (General Provident Fund) Regulations 1964, adopted by the Board of

Trustees are hereby published. The amendments will come into force with effect from the 1st day of the month following the notification of the approval of the Central Government to these amendments.

(A) — Introduce the following as sub-para (1) of Regulation 4.

«All permanent employees of the Board other than re-employed persons, and such temporary employees who have ren-

dered continuous service of one year, shall subscribe to the Fund».

(B) — «Re-number the existing sub-paras 1, 2 and 3 as 2, 3 and 4».

By Order.

Shivakumar Dhindaw, Secretary.

Mormugao, 3rd May, 1966.

(2nd time)